

MEMORANDUM ENDORSED



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April 20, 2023

Via E-File

Honorable Gregory H. Woods
U.S. District Judge
Southern District of New York
500 Pearl Street, Room 2260
New York, NY 10007

Re: *U.S. Bank, National Association, et al v.*
The Charitable Donor Advised Fund, L.P. et al,
No. 1:21-cv-11059-GHW, United States District Court,
Southern District of New York

Dear Judge Woods:

Undersigned counsel for *NexPoint Diversified Real Estate Trust* respectfully requests a brief continuance of the deadline and hearing date for Counter-Defendants' pre-motion conference.

On April 20, 2023, Plaintiffs/Counter-Defendants filed their request for pre-motion conference on their motions to dismiss Defendants/Counter-Plaintiffs' counterclaims (Dkt. 83). Today, the Court set the teleconference for Thursday, April 27, 2023 at 2:00 pm CDT (Dkt. 84). Under this Court's rules, Counter-Plaintiffs' responsive letters would be due on Tuesday, April 25, 2023.

However, I have an argument before the Second Circuit on that day. I anticipate preparing for the next several days, and I will be traveling to New York on Monday April 24th and back to Dallas on Wednesday, April 26, 2023, for said appearance.

By this letter, I respectfully request until Thursday, April 27, 2023, to respond to the pre-motion conference letter filed yesterday.

This would likely entail the Court continuing the teleconference currently set for April 27, 2023. For rescheduling purposes, I can participate in a teleconference on Friday, April 28; Monday, May 1; Wednesday, May 3; or in the afternoon on May 4th, 2023 (after 3:00 pm CDT). I am traveling for work on Tuesday, May 2nd, and Thursday, May 4th, and have a class action prove-up hearing

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on Friday, May 5th, 2023, in *William Cleary et al v. American Airlines, Inc.*, No. 4:21-cv-00184-O (Northern District of Texas).

This is my first request to continue this teleconference and is my first request for continuance in this matter. Counsel for the Counter-Defendants have not responded yet to my request for conference and so at this time I cannot state whether they are opposed to this request.

Yours very truly,

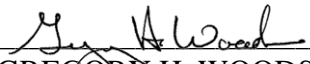
/s/ Mazin A. Sbaiti

Mazin A. Sbaiti

Application granted. The pre-motion conference is adjourned from April 27, 2023 to May 1, 2023 at 2:00 p.m. The conference will be conducted by telephone. The parties are directed to the Court's Individual Rules of Practice in Civil Cases, which are available on the Court's website. Rule 2 of the Court's Individual Rules contains the dial-in number for the conference and other relevant instructions. The parties are specifically directed to comply with Rule 2(B) of the Court's Individual Rules.

SO ORDERED.

Dated: April 21, 2023
New York, New York



GREGORY H. WOODS
United States District Judge